

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

J.H., on behalf of her minor child, J.P.,

Plaintiffs,¹

vs.

No. CIV 12-0128 JB/LAM

CEE KAYE NATION, Principal;
ALISON GONZALES, Teacher;
J.M. SHARKEY, Bernalillo County Deputy;
and BERNALILLO COUNTY,

Defendants.

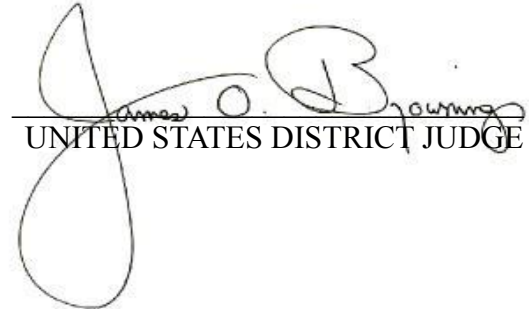
MEMORANDUM OPINION²

THIS MATTER comes before the Court on the County Defendants' Motion for Separate Trials, filed July 30, 2013 (Doc. 91)("Motion"). Defendants Bernalillo County and J.M. Sharkey seek separate trials on the 42 U.S.C. § 1983 claim that Plaintiff J.H., on behalf of her minor child, J.P., brings against Bernalillo County for municipal liability, and on J.H.'s remaining claims. See Motion *passim*. As the Court has dismissed all of J.H.'s claims, there are no remaining claims to be tried, either together or separately. Consequently, the Court will deny the Motion as moot.

¹There is some inconsistency about the parties' names in the briefing. Sometimes, the parties refer to J.H., on behalf of her minor child, J.P., as a singular Plaintiff, and sometimes the parties refer to J.H. and J.P. as plural Plaintiffs. Even though the Plaintiffs' briefing does not clearly prefer one name over the other, and even though the caption refers to the Plaintiffs in the plural, the Court will use "J.H.," because J.H. brings this case on behalf of J.P.

²On September 27, 2013, the Court entered an Order denying the County Defendants' Motion for Separate Trials, filed July 30, 2013 (Doc. 91)("Motion"). See Order, filed September 27, 2013 (Doc. 131)("Order"). In the Order, the Court stated that it would "at a later date issue a memorandum opinion more fully detailing its rationale for this decision." Order at 1 n.1. This Memorandum Opinion is the promised opinion.

IT IS ORDERED that the County Defendants' Motion for Separate Trials, filed July 30, 2013 (Doc. 91), is denied as moot.



UNITED STATES DISTRICT JUDGE

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